

Appl. No. 09/482,691
Atty. Docket No. 6553D
Amdt. dated January 26, 2004
Reply to Final Rejection of July 30, 2003

REMARKS

Claims 21-23, 25-27, 32-34, 61-63, and 65-72 are now in the case.

Applicants appreciate and acknowledge the mention by the Examiner that claims 21-23, 25-27 and 32-34 are allowed.

Applicants have amended independent claim 61 to claim the feature of a cleaning pad having a bottom layer, an absorbent layer in direct fluid communication with said bottom layer and an upper layer positioned above said absorbent layer where the absorbent layer comprises a superabsorbent material such that said absorbent layer has a t₁₂₀₀ absorbent capacity of at least about 15 g/g.

Applicants have amended dependent claim 62 to claim the feature of a scrubbing layer where the width of said scrubbing layer is greater than the width of said absorbent layer such that said scrubbing layer is removably attachable to a cleaning implement.

Applicants have cancelled claim 64 without prejudice.

Applicants have amended dependent claim 65 to correct its dependency and such that it conforms to the terminology used in claim 61.

Applicants have added claim 68-72 to claim additional features.

The amendments are supported by the specification, claims and drawings as filed (see, page 8, lines 1-11 and page 9, lines 20-25).

Rejection under 35 U.S.C. § 103

Claims 61-67 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kresse '920 in view of Nichols '255.

Applicants submit that claim 61 has been amended and now includes the features of a cleaning pad having a bottom layer, an absorbent layer in direct fluid communication with said bottom layer and an upper layer positioned above said absorbent layer where the absorbent layer comprises a superabsorbent material such that said absorbent layer has a t₁₂₀₀ absorbent capacity of at least about 15 g/g.

Applicants submit that Kresse et al. disclose that "the sponge cloth material has a very high water absorption capacity of at least 600% and, typically, of approximately 1400% of its own weight." (See page 5, line 1) However, Applicants also note that Kresse et al. do not disclose under what conditions (in particular pressure), these values of absorption capacity have been obtained.

Applicants submit that the absorbent layer of the cleaning pad of claim 61 has a t₁₂₀₀ absorbent capacity of at least about 15 g/g.

Appl. No. 09/482,691
Atty. Docket No. 6553D
Amdt. dated January 26, 2004
Reply to Final Rejection of July 30, 2003

Applicants remind the Examiner that the t₁₂₀₀ absorbent capacity is measured via "a Performance Under Pressure" method described at pages 24-27.

This test determines the gram/gram absorption of deionized water for a cleaning pad that is laterally confined in a piston/cylinder assembly under an initial confining pressure of 0.09 psi (about 0.6 kPa). The objective of the test is to assess the ability of a cleaning pad to absorb fluid, over a practical period of time, when the pad is exposed to usage conditions (horizontal wicking and pressures).

Applicants remind the Examiner that it is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." (Emphasis supplied) *In re Vaack*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

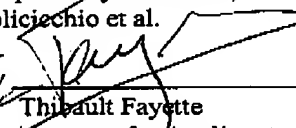
Since there is no suggestion or motivation to modify the Kresse '920 patent in view of Nichols and since the unlikely modification does not teach or suggest all the claim limitations, it is therefore Applicants' position that the office action has failed to establish *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejections of claims 61-67 are therefore respectfully requested.

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
Policiechio et al.

By 
Thibault Fayette
Attorney for Applicants
(513) 627-4593

January 26, 2004
Customer No. 27752